

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 1-29 are pending. Claims 1-5, 7, 8, 9, 17, and 25-28 are amended. Claims 1 and 25 are independent.

Claim 6 was amended to depend from claim 1 in a Preliminary Amendment filed with the present application on October 16, 2001. Withdrawal of the objection to claim 6 is, therefore, respectfully requested.

Applicants traverse the rejection of claims 1-5, 7, 9-12, and 25-29 under 35 U.S.C. §102(b) as being anticipated by Phaal (U.S. 6,006,269). Applicants also traverse the rejections under 35 U.S.C. §103(a) of claims 6 and 8 as being unpatentable over Phaal in view of Emery et al. (U.S. 5,758,281); claims 13, 18, and 20-24 as being unpatentable over Phaal in view of Brown et al. (U.S., 6,385,646); claims 15 and 16 as being unpatentable over Phaal in view of Bentley (U.S. 5,914,951); claims 14 and 19 as being unpatentable over Phaal and Brown et al. in view of Bentley; and claim 17 as being unpatentable over Phaal and Bentley in view of Brown.

These rejections are obviated by the present Amendment. The deferred rendezvous arrangement described in the specification,

e.g., on page 46, line 7, and page 50, line 9, and illustrated in FIG. 20 is a preferred embodiment of the claims of the present application.

In particular, the claims of the present application concern the use of a service system to facilitate setting up a future communication over a data network between a first user endpoint entity and a second user endpoint entity. To this end, the service system generates a session identifier which it sends to the first endpoint entity, the service system also storing the identifier along with context data about the future communication session. In response to the first endpoint entity wishing to establish the future communication session, it sends the session identifier to the service system which thereupon uses the identifier to retrieve the context data and set up the communication session between the first endpoint system and an appropriate second endpoint entity identified using the context data.

Independent claims 1 and 25 are amended to more particularly point out and distinctly claim the above-noted features.

None of the art of record, including Phaal, Emery, Brown, and Bentley, discloses or suggests a method or apparatus having the features of Applicants' amended independent claims 1 and 25.

In contrast to Applicants' claimed invention, Phaal concerns giving priority to a previously delayed access to a server, such as a web server. As described at column 10, lines 3-21, an identifier of priority status is stored via one of two alternative mechanisms. The first mechanism stores the priority-status identifier as a password or cookie written to the client system. The second mechanism stores the priority-status identifier at the server. Phaal has no indication of a cooking linking to a returning client, presumably not by a cookie as in this case the first mechanism would be used.

While Phaal addresses setting up a delayed session over a data network in which a user endpoint system initiates the delayed session, the type of session being set up is completely different from that of independent claims 1 and 25. In Phaal, the session is set up with a server for accessing a web page, the URL of which is included in the access message.

In Applicants' invention, as set forth in independent claims 1 and 25, the session to be set up is with a second user endpoint entity, not with a server. The session identifier returned by the first endpoint entity is used to retrieve context data for identifying an appropriate second endpoint entity, not to indicate priority status.

Phaal does not disclose the storing of context data at the server with the context data being subsequently retrieved and used to identify an appropriate second user endpoint entity to be joined into a communication session with the first user endpoint entity. Phaal does not need to store any context data at the server because the context data--the URL of the webpage to be accessed--is sent by the first endpoint system when making its deferred access request (see column 12, which discusses three different implementations).

Accordingly, Phaal does not anticipate or disclose Applicants' presently claimed invention as set forth in amended independent claims 1 and 25. None of the secondary references cures the deficiencies of Phaal as a primary reference. For example, Brown is merely concerned with a user who, while browsing a website, is enabled to set up a future telephone call with an agent associated with the website. A service system (network platform 130) is used to collect details for the call such as the telephone number of the user and context data regarding what the user was browsing on the website. When the time comes for the call to be established, the service system makes contact with the user and agent and bridges them into a call. In doing so, the system passes the agent the stored context data.

This is a fundamentally different process from that set out in claim 1 of the present application that requires the first endpoint system (not the service system) to trigger the setting up of the communication session. See, for example, operation (b) over the data network.

The method described in Brown cannot be reliably used over a data network because the service system cannot be sure that it has the correct address (for example, IP address) of the first endpoint entity as this address may change over time. In contrast, because the method of claim 1 of the present application requires that the first endpoint entity contact the service system when the future communication session is to be set up, the service system will thereupon know the correct address of the first endpoint entity. The service system can then use the session identifier sent to it by the first endpoint entity to retrieve the context data and join the first endpoint entity into a communication session with an appropriate second endpoint entity as identified using the context data.

There is no suggestion or motivation, either in Phaal or Brown, to combine these references. In rejecting claim 1 on the basis of Phaal, the Office Action equates the web site to be accessed to the second endpoint entities of claim 1. As already

noted, in Phaal the desired website is identified by information (a URL) sent by the first endpoint system at the time of delayed access. There is no apparent motivation for abandoning this approach even if the first endpoint entity wanted to contact an agent associated with the webpage of interest. This remains true even if a telephone call is to be set up at the same time as the data-network communication session.

In view of the above amendments and remarks, it is respectfully submitted that amended independent claims 1 and 25 are allowable over the art of record. Since the remaining claims depend directly or indirectly from these allowable independent claims, they are also allowable for at least the same reasons, as well as for the additional limitations they provide. Favorable reconsideration of the rejections and allowance of the application are deemed in order.

To the extent necessary during prosecution, Applicants hereby request any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any required fees not otherwise provided for, including extension, extra claims, and application processing fees, to Deposit Account No. 08-2025.

Respectfully submitted,
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On April 13, 2004

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